

JUL 16 2021

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Attorneys for Plaintiff, Keith Hacker in Superior Court (OCN-L-3112-19)

U.S. BANKRUPTCY COURT
TRENTON, NJBY *J. Naughton* DEPUTY

In Re:

CARLOS JAIME-VALDEZ

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY (Trenton)
CASE NO.: 21-14025

Chapter 7

CERTIFICATION IN SUPPORT OF THE
NOTICE OF MOTION TO LIFT THE
AUTOMATIC STAY TO THE EXTENT OF THE
INSURANCE COVERAGE

I, JOHN D. BORBI, ESQUIRE, being of full age hereby certifies:

1. I am an attorney at law of the State of New Jersey and a partner in the law firm Borbi, Clancy & Patrizi, and am responsible for handling a personal injury case which has been filed in the Superior Court of New Jersey, Ocean County, under Docket No.: OCN-L-003112-19, on behalf of Keith Hacker.
2. The underlying personal injury matter arises out of an automobile accident which occurred on January 27, 2018.
3. Plaintiff was operating an automobile in his own lane of travel which was struck by an automobile which came into his lane and was operated by Carlos Jaime-Valdez.
4. Plaintiff sustained significant personal injuries and losses as a result of the accident.
5. On December 16, 2019, a Complaint was filed in the Superior Court of New Jersey, Ocean County, naming Carlos Jaime-Valdez as a defendant who was negligent for causing the accident and injuries. (See Complaint attached as Exhibit "A".)
6. The Complaint was served and Discovery has taken place.
7. State Farm has accepted responsibility to defend and provide liability insurance coverage to Carlos Jaime-Valdez in the amount of \$100,000 per person and 300,000 per accident.
8. GEICO has accepted responsibility to provide excess liability coverage in the amount of \$100,000 per person and \$300,000 per accident.

9. Thomas J. Giardina, Esquire represents Carlos Jaime-Valdez with regard to the automobile accident and has filed a Motion in Superior Court, seeking a Stay since Carlos Jaime-Valdez has recently filed for bankruptcy in this matter.
10. Plaintiff now moves to remove this matter from the automatic Stay up to the liability and excess liability policy limits in effect at the time of the accident, which total \$200,000. Plaintiff has filed an Offer to Take Judgment in the Superior Court of New Jersey for the sum of \$200,000. Plaintiff will accept the policy limits to resolve the matter, therefore, resolution of the State Court civil matter will not involve the property of the bankruptcy. (See copy of filed Offer For Judgment attached as Exhibit "B")
11. Based upon the above, the undersigned respectfully requests the Bankruptcy Court to Lift the Automatic Stay as it applies to the underlying State Court action and permit moving party to proceed with litigation currently pending in the Superior Court of New Jersey, Ocean County, to the limits of the available liability and excess liability insurance coverage.
12. Everything I have stated herein is true and accurate to the best of my knowledge. I am aware that I am subject to punishment for willfully giving false information.

BORBI, CLANCY & PATRIZI

Attorneys for Plaintiff-Superior Court Litigation



JOHN D. BORBI, ESQUIRE

Dated: July 15, 2021